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Attorneys for Plaintiffs Justin James and Nicole James

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JUSTIN JAMES and NICOLE JAMES;

Case No. CV-08-0397-BR

Plaintiffs,

v.

FREMONT REORGANIZING  
COMPANY, fka FREMONT  
INVESTMENT & LOAN COMPANY,  
a California corporation; BRIDGE  
CAPITAL CORPORATION, a  
California corporation; HSBC BANK  
USA, NA, a national banking  
association,

DECLARATION OF HOPE DEL  
CARLO IN SUPPORT OF  
PLAINTIFFS' MOTION TO SET  
ASIDE DEFAULT ENTERED  
AGAINST DEFENDANT HSBC  
BANK USA, NA

Defendants.

I, Hope A. Del Carlo, hereby declare as follows:

1. I am one of the attorneys for the plaintiffs in this case. I have personal knowledge of

the facts set forth in this Declaration.

2. On June 2, 2009, plaintiffs moved the Court for entry of an order of default against defendant HSBC Bank USA, NA, as the defendant had been served locally with summons and complaint, and more than 20 days had elapsed without its appearance in this case. The Court granted the motion and entered default on June 8, 2009.

3. Prior to plaintiffs' motion for entry of default, plaintiffs' counsel was involved with ongoing negotiations with Lance Olsen, the attorney for Litton Loan Servicing, Inc., a loan servicing company that manages plaintiffs' loans that are the subject of this action. Counsel discussed the ongoing litigation, but to the best of my recollection, I was not directly informed that Mr. Olsen would represent HSBC Bank USA, NA, in this case. Thus, I did not consult with him about the plaintiffs' motion for entry of default.

4. On June 10, 2009, Mr. Olsen informed me by email that he represented HSBC Bank USA, NA, and objected to the entry of default. He requested that plaintiffs file a motion to vacate the default, which prompted the filing of the motion to set aside that this Declaration supports. Plaintiffs have no objection to the Court setting aside the entry of default, and request that the Court do so as soon as is practicable.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

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DATED this 17th day of July, 2009.

Respectfully submitted,

OREGON LAW CENTER

By: /s/ Hope A. Del Carlo

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Of Attorneys for Plaintiffs